

**Amanda M. Gatti**

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**From:** Barry Freeman  
**Sent:** Wednesday, March 22, 2017 9:27 AM  
**To:** Chris Wido; 'Brian Spitz'  
**Cc:** Gail Richards  
**Subject:** Lack of response from you.

Guys:

I kept my word and, despite having to draft the MSJ response due on Friday, I responded to the discovery issues you raised last Friday.

In contrast, you have not responded to the discovery issue I raised last Friday: Lack of production of communications between Plaintiffs and 3<sup>rd</sup> parties. I specifically identified Dean, Demink and Daugherty, but 3d parties would also include members of the class before they opted-in. When I tried to make it quick and easy by asking you to produce YOUR communications with them, Brian said "there are none" and Chris, in a slip of the tongue, disclosed the rest of the story: You used Henrietta Wilson as a conduit to communicate with 3d parties.

By using Henrietta Wilson as a conduit, any communications you had with Wilson for 3d parties is NOT privileged. Please advise when we will receive YOUR communications with Wilson (or any other plaintiff) to communicate with 3d parties.

In addition, we requested (RFP No. 6) "all communications between the Plaintiffs and any other person (excluding Plaintiffs' attorneys) which in any way relate to the claims contained in the Complaint." That request was made 7 MONTHS AGO. Plaintiffs' response was "Plaintiff is producing all responsive documents in her possession." By your own admission, that is not the case. Please advise when we will receive those communications – including all electronic communications and all records of phone calls to 3d parties. If all electronic communications and records of phone calls are not produced, we will have to either do a forensic analysis of Plaintiffs' devices and/or file a spoliation motion.

In any event, please respond to my discovery issue since I responded to yours,

Barry

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